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September 30, 2005

\* MEMBER OF PA & NJ BAR  
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Michael DeMarco  
Kirkpatrick & Lockhart Nicholson Graham, LLP  
75 State Street  
Boston, MA 02109

Re: *In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL 1456,  
State of Connecticut v. Aventis Pharmaceuticals*

Dear Mr. DeMarco:

This is in response to your letter of September 26, 2005 concerning plaintiffs' depositions against your client, Aventis. Initially, I suggest you review the transcript of the September 19, 2005 hearing before Magistrate Judge Bowler, in which she rejected the same ridiculous argument concerning deposition limits under the Local Rules as asserted by AstraZeneca.

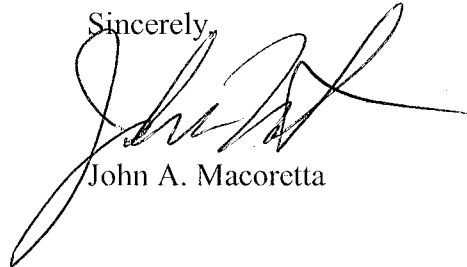
I will not provide you with the full list of reasons why you are wrong in your assertion that the plaintiffs are not entitled to conduct any depositions beyond those that have already been noticed. I will however highlight the fact that several of the deponents produced by Aventis, specifically Mr. Cervione, have been completely unknowledgeable regarding the subject matter they were offered for. I would further reference the fact that discovery is ongoing in both the AWP and Connecticut Actions. Under Connecticut Rules, there is no limit on the number of depositions a party can take. Plaintiffs also highlight Aventis' ongoing failure to comply with CMO 10 concerning the timely production of Rule 30(b)(6) witnesses.

Essentially, plaintiffs believe your position is meritless. If you believe Local Rule 26.1(c) applies to this matter, we suggest that you file the appropriate Protective Order.

Michael DeMarco  
September 30, 2005  
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If you have some specific concern or proposal regarding the scope or nature of discovery, we are willing to discuss such issues with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Macoretta', with a large, sweeping flourish extending from the end of the signature.

John A. Macoretta

JAM/mac

cc: James Miller  
Clare Kindall